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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,948	12/11/2003	Ichiro Kamimura	JCLA12519	1438
7590 J.C. Patents Suite 250 4 Venture Irvine, CA 92618	11/24/2008		EXAMINER DOERRLER, WILLIAM CHARLES	
			ART UNIT 3744	PAPER NUMBER
			MAIL DATE 11/24/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ICHIRO KAMIMURA,
NORIYUKI TSUDA, KENZO MATSUMOTO,
TORU KAWABATA, MASATO WATANABE,
TAKASHI YOSHIZAWA, HIROSHI MUKAIYAMA
and RYOKO KUBO

Application 10/734,948
Technology Center 3700

Mailed: November 24, 2008

Before KRISTA ZELE, *Deputy Chief Appeals Administrator*.

ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on July 28, 2008. An examination of the application revealed that it is not ready for docketing as an appeal.¹

¹ It is noted that all of the deficiencies listed in the Order Returning Undocketed Appeal to Examiner mailed January 20, 2006, were corrected

Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

EXAMINER'S ANSWER, GROUNDS OF REJECTION

A review of the file indicates that the Examiner's Answer filed December 11, 2006 does not comply with the guidelines provided in § 1207.02 of the *Manual of Patent Examining Procedure* (MPEP), Eighth Edition, Rev. 5, August 2006, because it refers, either directly or indirectly, to a prior Office action without fully restating the point relied upon in the Answer. If there is a complete and thorough development of the issues in a prior action, the examiner may copy any referenced prior rejection(s) from the prior Office action into the Examiner's Answer. The examiner is reminded to reevaluate his or her prior position in light of the arguments presented in the Brief, and should expressly withdraw any rejections not adhered to in the "Grounds of Rejection Withdrawn" section of the Examiner's Answer.

Therefore, a substitute Examiner's Answer which fully restates any prior points relied upon in the Answer, is required. *See* MPEP § 1207.02 for details.

(continued) pursuant to the submission of the Appeal Brief filed March 13, 2006 and the Examiner's Answer mailed December 11, 2006.

Accordingly, it is **ORDERED** that the application be returned to the Examiner:

1. to vacate the Examiner's Answer mailed December 11, 2006;
- 2) to generate a new Examiner's Answer which does not refer directly or indirectly to a prior Office action without fully restating the point relied on in the Answer; and
- 3) for such further action as may be required.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ:psb

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